

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.1688 of 2015

ORDER

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 03-08-2015 passed in Crl.M.P.No.2430 of 2015 in Crl.M.P.No.3949 of 2014 in C.C.No.1416 of 2014 on the file of the II AJCJ-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, whereby the learned trial Judge dismissed the petition filed by the petitioner to relax the condition imposed by the Court in Crl.M.P.No.3949 of 2014 to facilitate him to go to Australia to join in his job and to collect defence evidence in Australia.

Heard and perused.

Sri V.V.Satish, learned counsel for the Respondent No.2 strongly opposed the revision on the ground that earlier, the petitioner approached this Court and this Court passed an interim order directing the petitioner to leave India and thereafter to surrender the passport before the trial Court and also to follow the order passed by the trial Court. Hence, once an order is passed by this Court, the order passed by the trial Court is also merges with that order, therefore, the petitioner should not have sought the remedy before the trial Court.

This Court is of the view that the argument forwarded by the learned counsel for the Respondent No.2 is not agreeable, since this Court passed an order that after surrender of the passport to follow the conditions imposed by the trial Court. Accordingly, the petitioner herein approached the trial Court for release of the passport and the trial Court dismissed the application, against which the revision is preferred. It is legally acceptable and this Court can pass an order in the revision preferred against the order of dismissal of the petition filed by the petitioner before the trial Court.

Considering the facts and circumstances of the case, this Court is of the view that even though the petitioner is facing trial under Section 498-A I.P.C., the grant of an interim order for a particular period to travel abroad will not cause any prejudice to the trial pending before the Court concerned. Hence, the trial Court is directed to return the passport to the petitioner on his execution of a personal bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the trial Court and also to obtain an affidavit from the petitioner informing the date when he is leaving the country and also the date on which he will surrender the passport before the concerned Court. In the meanwhile, the petitioner is also directed to represent his case through a counsel on all hearings concerned before the trial Court.

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

05th November, 2015

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